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Reviewing Stand

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Should Gambling Be Legalized?

A radio discussion over WGN and the Mutual Broadcasting System

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THE REVIEWING STAND is a weekly radio forum presented by Northwestern University. The program was first broadcast by Station WGN, Chicago, October 14, 1934. It has been on the air continuously since that time, originating in the WGN studios, and, since 1935, carried by the stations of the Mutual Broadcasting System. **THE REVIEWING STAND** presents members of the Northwestern University faculty and distinguished guests from business, government, education, and the press in round table discussions of contemporary problems—the questions that are in the news. The program is under the direction of James H. McBurney, Dean of the School of Speech, Northwestern University; Miss Myrtle Stahl, Director of Educational Programs, WGN, Chicago.

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Should Gambling Be Legalized?

MR. BORIN: Three recent events have focused our attention on gambling in general and the legalization of gambling in particular: a meeting of American mayors to discuss crime, a proposed Senate investigation of syndicated rackets and Mayor O'Dwyer's statement indicating support of licensed gambling.

Peterson, you direct an organization whose business it is to investigate anything that smacks of illegality. Will you tell us what the Crime Commission has uncovered in the area of gambling?

MR. PETERSON: Gambling, of course, is the principal source of revenue of the underworld. That has always been true. It is true today. When the gambling interests make their alliances with the political leaders of various cities, it becomes a very important political problem and threatens the democratic processes of this country.

MR. BYRON: Before we get too far, I would like to have the privilege of reading very briefly from a report of the City Affairs Committee in New York.

'Like A Plague'

The report says: "Gambling, fostered by business interests, as well as by ordinary criminal rings, is with us like a plague. What gambling may be in the simple and not unamiable practices of private personal life, we are not now concerned with. What alarms us is the organization of gambling into a vast machine of public plunder."

I am assuming that is what all of us are interested in.

MR. PETERSON: Definitely. We are interested solely in gambling as a business as distinguished from private morals which have no interest for us whatsoever.

MR. BORIN: You spoke of the relationship between gambling and crime. Can you develop that for us?

MR. PETERSON: Gambling has always been a principal source of revenue for the underworld. You've got to bear in mind that the criminal elements are interested in anything lucrative.

MR. BORIN: In other words, the criminal elements control gambling?

MR. PETERSON: That is right.

MR. BORIN: Can you name any names?

MR. PETERSON: On the East Coast the big syndicates are headed by Frank Costello, Frank Erickson, Joe Adonis and numerous others. They are very powerful. In Florida it is the Capone gang. The gangster elements, in other words, are in control of the gambling. They have always been and always will be.

An Old Problem

MR. BYRON: I would like to suggest that if we are not careful we are going to discuss this as a new problem. Isn't it a problem we inherited from the mother country—a problem with which we have had a considerable amount of experience going back into Colonial times?

MR. PETERSON: That is absolutely right. During Colonial times we had all kinds of legalized lotteries. After a while these lotteries got into the hands of racketeers and the criminal

element and it became a very serious problem. In fact, during the early 1930's, in about five states, the turn-over in gambling alone from lotteries was about eight times the amount spent by the entire United States government in its expenditures. It became a very serious economic problem affecting the poor people in particular.

MR. BYRON: And it is true, isn't it, as one reads history that the major argument, when the opposition developed to these lotteries, centered around thrift and economic realism and not around theology and ethics. They discovered that the promoters, rather than the particular cause for which the lotteries were run, made the money.

MR. PETERSON: That is true. Gambling is a business of exploitation. It exploits human weakness, particularly of those in the lower income bracket. The leadership against legalization of gambling or against lotteries that were legalized came from substantial citizens, not from reformers and crusaders.

MR. BYRON: In other words "politics" as we use that term in quotes, got into the picture a century and a half ago, and then politicians in the state legislature decided to get in in another way to change the laws.

Criminal Affiliation

MR. PETERSON: That is absolutely right. The evils were enormous. Legislators were bribed, and, of course, the business of gambling got completely out of hand. You can read about it in the early papers, going back to 1790. At that time the lottery business was completely out of hand and was very demoralizing, particularly on the poor people. It affected adversely the economic and social welfare of this country.

MR. BYRON: A number of people seem to believe that there is one group which controls gambling and another group which controls vice and other problems. It is my understanding that these problems operate together rather

than apart and that instead of asking who controls gambling we have to ask who controls the great rackets.

MR. BORIN: Do you agree, Peterson?

MR. PETERSON: I agree. That has always been true. The same interests that control gambling control other forms of criminal activities.

MR. BORIN: In how many states do we have legalized gambling?

MR. PETERSON: There is only one state in which gambling in general is legalized. That is the State of Nevada. There has been evidence of a considerable amount of sentiment in opposition to the legalization of gambling there.

MR. BORIN: Haven't certain types of gambling been legalized in other states?

MR. PETERSON: In a few states. Idaho has local options with reference to slot machines. Montana permits slot machines and punch boards under certain circumstances.

MR. BORIN: How many states permit pari-mutuel betting?

MR. PETERSON: I believe around twenty-three.

'Ineffective Laws'

MR. BORIN: You admit that gambling exists whether it is declared legal or illegal. It seems to me that we are not quite honest with ourselves. When we know it exists we pass laws against it that are largely ineffective and on top of that we pretend that the problem is solved.

Because of technical difficulties it is impossible to hear what a good friend of mine, E. W. Cragin, Mayor of Las Vegas, Nevada, has to say on this matter. But I do have his prepared statement and should like to read it at this point in the discussion.

MAYOR CRAGIN: Let's take a look at Nevada itself—Nevada, the only state in the Union where gambling is legal. The legislature voted it back in 1929 after a lapse of 22 years without it.

People here just got tired of the hypocrisy and subterfuge and decided to be what Nevadans always have been—just themselves, not trying to make believe they're better or more saintly.

Practical people don't kid themselves. There's gambling wherever there are towns of any size. There isn't a state in the Union, so far as I can find out, where games can't be found in most cities, or which don't have one or two communities where the games are run right out in the open.

Actually, Nevada is no different from any of her sister states. Here, we just believe in doing things right out in the open that others try to hide and hush hush. Here, the money goes into the public treasury which in other states buys protection, corrupts government and helps only the crooked politicians and the bosses.

MR. BORIN: What do you gentlemen think of Cragin's statement?

MR. BYRON: I was going to ask Peterson a question on that point. Cragin seems to imply that local option with reference to this question of legalized gambling is possible. Are we sure that the national syndicate has not edged in on Nevada?

Local Option?

MR. PETERSON: The best answer to that is the fact that Nevada has not been able to stay out of the national syndicate. Without going into a lot of names, Benjamin Bugsy Siegal was a big shot out in Nevada until he was killed in gang warfare in 1947. He was a member of Murder, Inc. He was also the West Coast representative of the Capone syndicate. There is the Trans-American Publishing News Service which is definitely a newspaper service for bookies. The criminal element does not go into an enterprise because it is legal or illegal. They go into it because it is lucrative. Heretofore it has never been possible through legalization to keep the criminal element out. If they are not in it under their own

names they operate through a front but still own and control it.

MR. BORIN: I think you have been a little unfair with the State of Nevada. And to answer your argument I again refer to Mayor Cragin's statement. He says, and I quote:

MAYOR CRAGIN: Nevada is just like any other state. The two principal cities have their fantastic clubs and fabulous hotels. They are Reno and Las Vegas. Both are tourist towns although both have a solid background of industry and commerce. The other Nevada communities, each with industries of their own, pay little attention to gambling. They have their games, of course, but they are purely for amusement and are not in the big money.

Nevada people don't gamble themselves. If you're a resident, you will find very few familiar faces at the roulette wheel, the crap table or the slot machines. It's the visitors, the tourists, the occasional residents who populate the palaces of chance and build up their profits.

You never read here the stories the reformers like to tell of the bank cashier who steals to gamble or the store clerk who takes his employer's money to bet on the horses in the open race book. Things like that don't happen here. Local people don't gamble.

Nevada Situation

MR. PETERSON: In other words, their gambling industry is designed to attract tourists. Of course, that is definitely true. The same thing is true with the easy divorce law in Nevada, and certainly I don't think we ought to discuss solely Nevada because I have no quarrel with what Nevada itself wants. Our problem is a much broader one. We are asking whether gambling should be legalized throughout the country and we can use Nevada only as an example with reference to certain things.

MR. BYRON: Of course, we are not in a position to argue about the bank

cashier incident or any other specific event that may occur in Nevada. But it is my understanding that nationwide bonding companies consider a gambler, whether he is in a state where gambling is legal or in a state where gambling is illegal, a poor risk.

MR. PETERSON: That is true. I made a survey of surety companies a number of months ago and the surety companies were almost unanimous in listing gambling as the principal factor in their large embezzlement cases. Of course, that doesn't refer to Nevada. That refers to the nation as a whole.

MR. BORIN: Going back to Nevada for just a moment, Cragin will agree with you, Peterson, that you don't solve all your problems by legalizing gambling. In fact, he says that Las Vegas actually loses money because of licensed gambling. These are his words:

MAYOR CRAGIN: In 1949 the City spent \$1,479,138 in providing municipal government. Of that sum only \$258,000 came from the gambling licenses. That is not very much considering the fact that because these clubs are open 24 hours a day a vastly larger police department is needed than in other cities.

MR. BORIN: I am sure you will agree with Mr. Cragin, won't you, Peterson?

Revenue

MR. PETERSON: Yes, I will. It should also be borne in mind that virtually every effort at legalization is based on the desire for revenue, and revenue is incompatible with control. The more licenses, the more revenue you need and the more licenses you issue. And you always get mass gambling when you have legalization. Historically this is a fact. It isn't just a conjecture.

MR. BORIN: It seems we have been talking about the legal aspects of the problem. We have a human element also. Because of the nature of people to gamble and because it can't be suppressed I should think that legalization would be the logical answer.

MR. BYRON: One of you said a little while ago that the fact that we have gambling seems to indicate public approval for it. I think we have to be very careful not to fall back upon a discarded psychology which says people gamble because they have an instinct to gamble; or people gamble because it is human nature.

Some time ago the American Psychology Association indicated that there was nothing in this thing called the biology of the human being which dooms us to have war. If we wanted to argue biologically I think we could do so. I would like to suggest that if we were going to argue in terms of instinct, we would have to say we should legalize prostitution because of the sex instinct. Now, certainly we have had enough experience, haven't we, with legalization of prostitution to come to some conclusion there?

'Failure of Segregation'

MR. PETERSON: A large amount of scientific research has been engaged in with reference to the prostitution problem. Dr. Abraham Flexner made his monumental study in Europe—the same kind of studies were made in this country—proving that legalization, or the segregation of districts with reference to prostitution, is an absolute failure. And the same thing is true when you are dealing with gambling which is an effort to sell a chance to get something for nothing. And you also have to bear in mind that historically, and basically, gambling is a dishonest and fraudulent enterprise. It operates strictly on a one-sided principle, the percentage basis. The patrons as a class cannot possibly obtain value received. In any other type of enterprise the law declares that type of enterprise an inherently illegitimate enterprise.

MR. BYRON: You are saying it is no longer gambling because the element of chance has been taken out and the element of certainty for the promotor has been put in.

MR. PETERSON: That is right.

MR. BORIN: I wonder if there is any evidence to indicate that certain people are addicted to gambling?

MR. BYRON: I know of two or three studies which have been made. There is no evidence, to the best of my knowledge, which would indicate that a particular type of personality indulges in gambling.

MR. BORIN: I will stick my neck out and offer another argument in favor of legalized gambling. I think the pari-mutuel setup is unfair. Those who have the time and money to attend race tracks have the opportunity to bet, while those who are not so fortunate are deprived of an equal opportunity. I think they should be given the opportunity by the institution of legalized gambling places.

Social Problem

MR. PETERSON: That doesn't touch on the problem at all. You are talking about the individual's ability to gamble. Now, let's go back. When they were trying to legalize pari-mutuels, one of the arguments given at the time was that the great evil in gambling consisted in the bookies where the poor people lost their money and were exploited. It was stated that if you legalized pari-mutuels you would do away with the bookies and only the people who could afford it would go to the track and bet, and you would eliminate this great social problem. The same forces that argued along that line are now arguing along the other line. More important, there are restrictions in virtually every form of activity. For example, in hunting, you can hunt only at a certain time and place. You can't hunt any time that you wish. I mean, that isn't the problem at all. That has nothing to do with the social problem. That has reference to individuals and we are not concerned with them.

MR. BORIN: We have referred frequently to the situation in Nevada in our attempt to evaluate the practice of legalized gambling. To hear from a man in that state who has had

firsthand experience with a municipal government that legalizes poker, roulette, twenty-one and all the rest, we turn by transcription to Francis Smith, Mayor of Reno, Nevada.

MAYOR SMITH: I am speaking to you from Reno, Nevada. Nevada, as I presume you are aware, legalized gambling back in 1931. Since we know gambling and have lived with it, I am happy to speak for Reno on this nationwide broadcast. Perhaps by this means I can convey something of our point of view to my listeners.

Freedom of Individual

We in Nevada have, in these past 19 years, met and worked out the problems of legalization and control of gambling to the point where today we feel qualified to discuss the subject with some authority.

Our problems have been simplified, of course, by the small population of our state—even more so by the fact that half of that population lies in our two principal cities. The Nevadan believes in individual freedom—he has a pioneer tradition of personal liberty—and he believes in the adulthood of himself and his fellow citizen. These are basic factors in Nevada's acceptance of gambling, when operated under proper licensing and intelligent controls.

Our system of regulation and control of gambling, in this state community of only one hundred forty thousand people, has proved itself an adequate guard against criminal influences, political corruption, or any moral deterioration of our citizenry.

We are a small population of friends and neighbors in Nevada, and whether our system would work in a large city or state, I do not know.

I would hesitate to say, for instance, that our legalization would work in an area burdened with a long history of illegal gambling based—according to the common charge—upon criminal influence and political corruption. We have not had that problem.

Our controls stem from state, county, and municipal licensing powers. Regulation is effected through a quarterly review of all gambling licenses, including review of operating practices as revealed by our inspecting authorities. In plain language, no license to gamble is good for more than three months, unless the holder of that license is strictly honest, exercises rigid control over his employees, and is necessarily protective of his reputation for fair play.

Here I would like to refute, once and for all, the popular fiction that gambling is Nevada's sole source of revenue, or even its principal source. The gambling business ranks far down in dollar volume among Nevada's business classifications. It accounts for only six and one half per cent of our state revenues from all sources, tax revenues and non-tax revenues, supporting government on all levels. This is no royal road to riches. Gambling and gamblers neither support nor control Reno or Nevada, any more than transportation, cattle, or mining interests support or control the state or city.

'Gambling Regulated'

Gambling has become part of our economy, but in no way as large a part of the economy as any one of these other business categories.

The state tax commission, which controls gambling, is a business organization of business men. It is composed of our Governor, our Public Service Commissioner, and representatives of the mining, cattle, agriculture, public utilities and general business interests in our state. It cannot become preoccupied with gambling alone. It has other, more vital segments of our economy to guide as well.

There is your clue to the way we regard gambling. We would never permit ourselves to become dependent upon one main source of tax revenue. When that happens, when a single interest holds the purse strings, then the welfare of the people may very

well become subordinate to the welfare of that single interest.

Nevada knows gambling as a controlled and regulated business, not as a cancerous outbreak of hidden corruption. The tradition of our people is one of freedom for the individual, and of belief in him as a grown-up. If he wishes to gamble, then in Nevada he may do so openly, and under the protection of law and order. That is our way. Whether other states choose our way, or whether they choose another, must be decided by those states.

MR. PETERSON: I have frequently said that legalization in itself will not remove the criminal element. The Mayor made the statement that the Nevada system has been adequate guard against criminal influence. Now, I know that the Nevada authorities are trying to do a very good job, but let's look at a few facts.

One of the biggest race horse swindles in the history of the country occurred in Reno, Nevada. Graham and McKay who operated this swindle out of Reno were convicted in federal court in New York City. They were two of the big, powerful influences in Reno. Not only that, just a few weeks ago, an individual who was a fugitive from the State of Michigan for some time was shot in Reno. There has been a considerable amount of infiltration of the criminal element in Nevada. That isn't the fault of the Nevada authorities, and I am not trying to criticize them, but my opinion is that legalization will not remove the criminal element.

Attitude of Public

MR. BYRON: Aren't we in some danger of scapegoating with reference to the professional gambler and the hoodlum? We know full well that if it were not for the backing which they get from the higher-ups, and the demands which they get from the higher-ups, and the demands which they are meeting with their activities, that they could not exist!

MR. PETERSON: That is correct. It is the attitude of the public generally about these innocuous things that creates the problem.

MR. BYRON: What about the churches themselves? In certain states they seem to have actually encouraged the legalization of gambling in order that they might accomplish a good end through what we might designate as an evil means?

MR. PETERSON: That is also true with other groups that pride themselves on trying to develop good citizenship. They have violated the law through gambling enterprises which are a violation of the law, in order to help somebody else be a good and law abiding citizen. That is part of our American custom.

Used for Good Cause

MR. BYRON: Yes, but historically, the equivalent of social agencies and educational agencies, prior to 1820, very carefully put on the lottery in order to raise money for these good programs.

MR. PETERSON: Practically all gamblers use charity as a front. The old lottery, which was one of the most vicious and corrupt institutions in the history of this country, was supposedly engaging in helping out a charity.

That has been true of virtually all of them. I am speaking about the legalization of the lottery during the early history of this country when it did get out of hand. It got into the hands of racketeers and promoters. Nobody has been able to devise a scheme yet which will eliminate that element from gambling in this country.

MR. BYRON: In other words, we recognize that gambling represents not only a traditional activity in this country but one which has been nurtured by a great many forces. If and when these other forces decide to change their attitude and values and oppose gambling we shall meet with great success. It is not an instinct and it is not part of our culture, yet people argue that nothing can be done about it. They used to argue that nothing could be done about race prejudice because it is an instinct. Every single day in this country we are demonstrating that we can meet this problem of race prejudice if we wish to do so. Do we wish to do so?

MR. BORIN: Thank you gentlemen, for pulling the lid off of one of our most neglected but most interesting social problems—gambling. Our short look at this problem has added to our consciousness of a social area often overlooked in a world of H-bombs and Senate investigations.



Suggested Readings

Compiled by Barbara Wynn, Assistant,
Reference Department, Deering
Library, Northwestern University



ASBURY, HERBERT. *Sucker's Progress; an Informal History of Gambling in America from the Colonies to Canfield*. New York, Dodd, Mead and Co., 1938.

Colorful account of nineteenth century gambling and gamblers in New York, New Orleans, and the Barbary Coast.

BENDER, ERIC. *Tickets to Fortune, the Story of Sweepstakes, Lotteries, and Contests*. New York, Modern Age Bks., 1938.

Relates the history of lotteries in the United States and England to show why their legalization would be a bad step to take.

BURGESS, E. W. *The New Step in the War on Crime—Legalize Gambling*. 32 pp. Chicago, Governmental Research Association, June, 1935.

A report submitted to Governor Horner of Illinois in 1935 asking for the legalization of all forms of gambling.

MACDOUGALL, ERNEST D. *Crime for Profit: A Symposium on Mercenary Crime*. Stratford Press, 1933.

THOMPSON, CRAIG and RAYMOND, ALLEN. *Gang Rule in New York*. Dial Press, 1940.

American Mercury 28:190-2, F., '33. "Nevada's Trial of Licensed Gambling." ANTHONY M. TURANO.

Tells why Nevada, early in 1931, repealed its anti-gambling statutes in favor of a licensing system, and how the system works.

Business Week p. 31-2+, My. 14, '49. "Gambling Gets a Free Ride."

Discusses the arguments for and against legalization, what the status of legalization is today, and what the results of the pari-mutuel system have been.

Collier's 123:26+, F. 19, '49. "By Slot-Machine Swindle." NORMAN and MADELYN CARLISLE.

Tells how, though outlawed in forty-six states, the slot machine is being increasingly pushed as a financial panacea.

Collier's 118:11-12+, S. 21, '46. "Blackjack over Nevada." C. SHIPP.

Describes the results of licensed gambling in the state of Nevada.

Collier's 105:52-3+, Je. 15, '40. "Change for the Better." D. PARKER.

Tells how the pari-mutuel system began in France in the latter part of the nineteenth century, and how it became firmly established in America during the twentieth.

Forum 100:110-13, S., '38. "Pari-Mutuel Myth." H. TROTT.

Tells why and how the pari-mutuel system, far from safeguarding the people, has only reduced their losses to a mathematical certainty.

Journal of Criminal Law and Criminology 35:3-15, My.-Je., '44. "Chicago's Crime Problem and Political Machines." VIRGIL W. PETERSON.

Points out that corrupt political machines are built on alliances with the underworld in control of the gambling racket, and shows how this has been the case in Chicago.

Journal of Criminal Law and Criminology 40:259-329, S.O., '49. "Gambling—Should It Be Legalized?" VIRGIL W. PETERSON.

Points out that the history of legalized gambling in America shows that legalization increases mass gambling and enables gambling interests to become more deeply entrenched and politically powerful. Concludes that legalization can never be a substitute for honest law enforcement.

Journal of Criminal Law and Criminology 39:288-297, S.-O., '48. "The Myth of the Wide-Open Town." VIRGIL W. PETERSON.

Maintains that the organized crime problem in the United States is traceable to the myth that the wide-open town is good for business. "Official encouragement and citizen tolerance of the professional gambling gentry are open invitations to gangster rule."

Journal of Criminal Law and Criminology 38:94-103, Jl.-Ag., '47. "Why Honest People Steal." VIRGIL W. PETERSON.

Points out that gambling is one of the two principal causes of embezzlement.

Journal of Criminal Law and Criminology 26:307-8. Jl., '35. "Licensed Gambling?" E. W. BURGESS.

Abstract of the report to Governor Horner (see above).

Journal of Criminal Law and Criminology 38:547-56, 659-69, Ja.-F., Mr.-Ap., '48. S. S. SMITH.

Describes the operation of modern lotteries.

Nation 147:106-9, Jl. 30, '38. "The Billion Dollar Poolroom Racket." F. B. WARREN.

Noting the "artificial, criminal, and natural hazards" that the ordinary bettor must face, declares that the "poolroom bettor is easily the worst victim."

Saturday Evening Post 212:16-17+, Ja. 6, '40. "Massachusetts Goes to the Dogs." DAN PARKER.

A description of legalized dog racing in Massachusetts.

Saturday Review of Literature 28:18, O. 20, '45. "What About Gambling?"

Maintains that the attempt to stop gambling has failed because it is not in accord with the mores of our society. Denouncing the "phony moral wars" waged against gambling, recommends legalization.

Scholastic 36:11-13+, Mr. 11, '40. "Pari-Mutuel Betting." W. R. FOULKES.

A pro and con discussion.

South Atlantic Quarterly pp. 201-11, Ap., '36. "The Truth about Lotteries in American History." W. CHRISTIE MACLEOD.

Opposing the restoration of public lotteries, describes the evil consequences of lotteries during the 19th century.

Today p. 7+, Jl. 27, '35. "Gambling's No Cure."

Declares that the legalization of gambling to stop crime is a "patent medicine remedy."

Today Vol. 6, pp. 3-4+, My., '36. "Lotteries and the Law." E. J. ELLISON and F. W. BROCK.

Pointing out that Americans are spending huge sums yearly for crooked lottery and are supporting a gangster population on the proceeds, recommends legalization of the honest lottery.



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